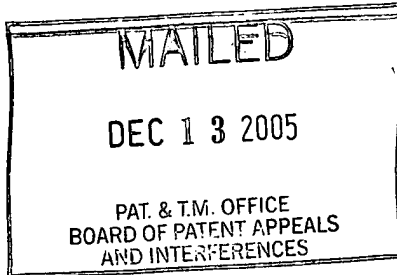




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Fred E. McKelvey
Telephone: (571) 272-9797
Facsimile: (571) 273-0042



Applicants: Kanno et al.
Application No.: 10/676,013
Filed: 10/02/03
For: Process for treating fluorine
compound-containing gas

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,402.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Fred E. McKelvey
Senior Administrative Patent Judge

Filed by:

Fred E. McKelvey
Senior Administrative Patent Judge
Mail Stop Interference
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Filed 13 December 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Senior Administrative Patent Judge McKelvey)

JOSEPH A. ROSSIN and WILLIAM B. FEAVER,

Junior Party
(Patent 6,673,326),

v.

SHUICHI KANNO, TOSHIAKI ARATO, SHINZO IKEDA,
KEN YASUDA, HISAO YAMASHITA, SHIGERU AZUHATA,
SHIN TAMATA and KAZUYOSHI IRIE,

Senior Party
(Application 10/676,013).

Patent Interference 105,402 (McK)
Technology Center 1700

DECLARATION - Bd.R. 203(d)

Part A. Declaration of interference

1. An interference is declared (35 U.S.C. § 135(a))
between the above-identified parties.
2. Details of the application, patent, count and
claims designated as corresponding or as not corresponding to the
count appear in Parts E and F of this DECLARATION.

MAILED

DEC 13 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Part B. Judge managing the interference

Administrative Patent Judge McKelvey has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

1. A Trial Section STANDING ORDER (Paper 2) accompanies this DECLARATION.
2. The STANDING ORDER applies to this interference.

Part D. Initial conference call

1. A telephone conference call to discuss the interference is set for **1:30 p.m. (1330 hours Eastern time) on Friday, 27 January 2006** (the Board will initiate the call).

2. On or before **noon (1200 hours Eastern time) on Monday, 23 January 2006**, each party shall file and on or before **5:00 p.m. (1700 hours Eastern time) Monday, 23 January 2006**, each shall serve¹ by facsimile (STANDING ORDER ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; STANDING ORDER ¶ 26) the party intends to file.

3. A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER.

4. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action.

5. A typical motion period lasts approximately eight (8) months.

6. Counsel should be prepared to justify any request for a shorter or longer period.

¹ The parties will note that the default procedure is that both lists are to be filed before either is served. By filing before service, one party will not have access to another party's list prior to filing its own list. Nevertheless, the parties may mutually agree to serve lists at any time prior to the due date and time.

**Part E. Identification and order of the parties and
assignment of exhibit numbers**

Junior Party

Named inventors: Joseph A. Rossin, OH
William B. Feaver, OH

Patent: U.S. Patent 6,673,326
issued 6 January 2004
based on application 09/633,609
filed **7 August 2000**

Title: Catalytic processes for the reduction
of perfluorinated compounds and
hydrofluorocarbons

Assignee: Guild Associates, Inc.

Accorded Benefit: None

Senior Party

Named Inventors: Shuichi Kanno, Japan
Toshiaki Arato, Japan
Shinzo Ikeda, Japan
Ken Yasuda, Japan
Hisao Yamashita, Japan
Shigeru Azuhata, Japan
Shin Tamata, Japan
Kazuyoshi Irie, Japan

Application: Application 10/676,013,
filed 02 October 2003

Title: Process for treating fluorine
compound-containing gas

Assignee: Hitachi, Ltd.

Accorded Benefit:² Application 09/005,006,
filed **09 January 1998**

² Kanno also claims priority under 35 U.S.C. § 119 of (1) Japanese patent application 09-163717, filed 20 June 1997 and (2) Japanese patent application 09-004349, filed 14 January 1997. Certified copies of the Japanese applications are said to have been filed on 26 July 1999 in the file of application 09/005,006. If Kanno believes it is entitled to benefit for the purpose of priority of either Japanese application, it should list a motion for benefit in its motions list. See also Paper 3, page 8, ¶¶ 30-33.

1. The senior party is assigned exhibit numbers
1001-1999. Bd. R. 154(c)(1).

2. The junior party is assigned exhibit numbers
2001-2999. Bd. R. 154(c)(1).

3. The senior party is responsible for initiating
settlement discussions. STANDING ORDER ¶ 18.

Part F. Count and claims of the parties

Count 1

A process for reducing the concentration of a sample comprising perfluorinated compounds,

said process comprising contacting the sample with a catalyst under conditions such that the concentration of perfluorinated compounds in the sample is reduced,

said catalyst consisting of (1) aluminum oxide (Al_2O_3) and (2) an enhancer selected from the group consisting of nickel and cobalt.

The claims of the parties are:

Rossin: 1-27

Kanno: 22-37

The claims of the parties which correspond to Count 1 are:

Rossin: 1-3 and 6-26

Kanno: 22-25, 27-32 and 34-37

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:³

Rossin: 4-5 and 27

Kanno: 26 and 33

³ A discussion of why claims have been designated as not corresponding to the count appears in Paper 3.

Part G. Heading to be used on papers

1. The heading in STANDING ORDER Form 1 must be used on all papers filed in this interference. See STANDING ORDER ¶ 7.2.1.

2. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
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(Senior Administrative Patent Judge McKelvey)

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SHUICHI KANNO, TOSHIAKI ARATO, SHINZO IKEDA,
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SHIN TAMATA and KAZUYOSHI IRIE,

Senior Party
(Application 10/676,013).

Patent Interference 105,402 (McK)
Technology Center 1700

Part H. Order form for requesting file copies

1. When requesting copies of files, use of STANDING ORDER Form 4 will expedite processing of the request.

2. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

1. The Board has experienced cases in which a witness has belatedly advanced reasons why the witness would be unable to appear for cross examination at a reasonable time and place in the United States.

2. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

/ss/Fred E. McKelvey
FRED E. MCKELVEY,
Senior Administrative Patent Judge⁴

13 December 2005
Alexandria, VA

⁴ As part of board efforts under the government Paperwork Elimination Act, signatures on papers originating from the board have been phased out in favor of a completely electronic record. Consequently, in this case papers originating at the board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 CFR § 10.18.

Enc (there is no Form PTO-850):

STANDING ORDER (Paper 2)
MEMORANDUM OPINION and ORDER (Paper 3)
DVD program
e-filing program
Bibliographic data sheets
Copy U.S. Patent 6,673,326 B1
Status request/examiner's response in
 application 10/676,013
Preliminary amendment with claims 22-37
 in application 10/676,013
Copy application 10/676,013, as filed (including abstract,
 specification and drawings)

cc (via overnight delivery):

Attorney for Rossin
(real party in interest
Guild Associates, Inc.):

Bruce W. Slayden II, Esq.
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana
Houston, TX 77002-4995

Tel: 713-229-1786
Fax: 713-229-7886
Email: None

Attorney for Kanno
(real party in interest
Hitachi, Ltd.):

James F. McKeown, Esq.
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20005

Tel: 202-624-2500
Fax: 202-628-5116
Email: None